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**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF UTAH**

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**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**SPENCER MASSENGALE,**

**Defendant.**

**ORDER TO CONTINUE JURY TRIAL**

**Case No. 1:23-CR-47 CW**

**Judge Clark Waddoups**

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Based on the Motion to Continue Jury Trial filed by defendant, Spencer Massengale, in the above-entitled case, and for good cause appearing, the court makes the following findings:

1. Defendant first appeared in this court on July 14, 2023 for the initial appearance on the Indictment returned in this matter. The jury trial was scheduled for September 22, 2023, which was within the 70-day time period.
2. Defendant has moved to continue trial pursuant to 18 U.S.C. § 3161(h)(7). This is the fifth request to continue trial in this matter but the second by retained counsel.
3. The length of delay requested is 120 days.
4. Specifically, defendant has alleged that the continuance is necessary because counsel is in need of additional time to adequately prepare for trial.
5. The facts that support this allegation include the following: This case involves complex issues regarding the causation of a death which will require both a factual investigation and retention of a forensic pathologist in order for Mr. Massengale to receive a fair trial. Mr. Massengale and a critical defense witness

have been charged with state drug offenses in the last six weeks which has further complicated trial preparation.

6. Defendant is in custody and agree(s) with the need for a continuance of the trial and agree(s) that the defense will not be hindered or prejudiced by the delay.
7. Counsel for plaintiff, Mr. Clark Harms, SAUSA, has been contacted regarding this motion and stipulates it should be granted.
8. There are no other defendants.

Based on the foregoing findings, the court concludes that failure to grant such a continuance would result in a miscarriage of justice. Therefore, the ends of justice served by such a continuance outweigh the best interests of the public and the defendant in a speedy trial.

THEREFORE, the 5 Day Jury Trial previously scheduled to begin on November 8, 2024 is hereby continued to the 28<sup>th</sup> day of February, 2025, at 8:30 a.m. Accordingly, the time between November 4, 2024, and the new trial date set forth above is excluded from speedy trial computation for good cause.

DATED this 5<sup>th</sup> day of November, 2024.

BY THE COURT:

  
CLARK WADDOUPS  
United States District Court Judge